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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/676,956	10/02/2000	Danne L. Buchanan	7905.15.1	4478
22428	7590	02/07/2005	EXAMINER	
			NGUYEN, NGA B	
FOLEY AND LARDNER		ART UNIT		PAPER NUMBER
SUITE 500				3628
3000 K STREET NW				
WASHINGTON, DC 20007				

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/676,956	BUCHANAN ET AL.	
	Examiner	Art Unit	
	Nga B. Nguyen	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 27-122 is/are pending in the application.
- 4a) Of the above claim(s) 27-86 and 106-122 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 87-105 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/7/04</u> .	6) <input type="checkbox"/> Other: _____ .

DETAILED ACTION

1. This Office Action is the answer to the communication filed on November 2, 2004, which paper has been placed of record in the file.
2. Claims 87-105 are elected for consideration.

Response to Arguments/Amendment

3. Applicant's arguments with respect to claims 87-105 have been considered but are moot in view of the new grounds of rejection.
4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 87-95, 99, 100, and 102-105 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer, U.S. Patent No. 5,930,778.

Regarding to claims 87-94, Geer discloses a program product for deposit processing at a central site a plurality of original checks with accompanying deposit information, comprising: a set of computer usable media having computer readable program code embodied therein to be executed by a computer, the computer readable program code, when executed, causing a machine to perform the following method steps:

the central site receiving information for a plurality of different deposit transactions with the deposit information including for each of the different deposit transactions a deposit account designation, and electronic check data and original check image data for at least one check to be deposited (column 9, lines 1-25 and column 10, line 1-6; the depository bank 10 receives electronic check data and original check image data from different payee's locations; Note that the central site is the depository bank site or the bank of first deposit site, see applicant's invention, figure 1 show that central site is the bank of first deposit check capture system);

the central site initially transmitting associate electronic check data and check image data directly or indirectly to a maker bank or a print site for ultimate delivery in

hard copy to the maker bank (column 9, lines 18-25; the depository bank 10 transmits the electronic check information to the payor banks).

Geer does not disclose a computer at the central site comprising at least one deposit parameter that is not an account number to an individual customer limit, sending a notice if the individual customer limit is exceeded, comparing a number of monetary items with a customer monetary item limit, a total monetary amount of a deposit in the deposit information with a customer deposit monetary limit, a monetary amount of a monetary item with a customer monetary item limit, and a number of deposits with a number of deposits limit. However, such features above are well known in the art of processing a deposited check. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Geer's to incorporate the feature above for the purpose of providing more efficiency in processing the deposited checks.

Geer does not disclose wherein the transmitting step not being through an accounting program in the bank of first deposit associated therewith. However, employing a central site to handle the deposited checks on behalf of a bank of first deposit is well known in the art. Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Geer's to incorporate the feature above for the purpose of providing more efficiency in processing the deposited checks.

Regarding to claim 95, Geer discloses the receiving step comprises: receiving electronic deposit data, electronic check data and original check image data for a plurality of different deposit transactions, the checks for each one of the plurality of different deposit transactions to be deposited at a different bank of first deposit; and

sending each one of a plurality of the different deposit transactions to a respective different bank of first deposit (column 9, lines 10-13).

Regarding to claim 99, Geer discloses receiving return check image data for a return check couple with a reference key for an original deposit transaction and sending the return check image data with the reference key directly or indirectly to the maker bank for re-presentment (column 9, lines 45-50).

Regarding to claim 100, Geer discloses determining if a re-presentment of the returned check requires a hard copy of the return check or if the original check data image is acceptable for the re-presentment; and if the original check image is acceptable, obtaining a reference key associated with an original deposit transaction; and if the original check image is acceptable, obtaining a reference key associated with an original deposit transaction; and sending directly or indirectly the original check image data and the reference key to the maker bank (column 9, lines 45-50).

Regarding to claim 102, Geer does not disclose determining if endorsement information one of the remote sites for printing on the check is up-to-date; and if the endorsement information at the remote site is not up-to-date, then downloading updated endorsement information from the central site. However, checking and obtaining the up-to-date endorsement information is well known in the art of processing checks. Therefore, it would have been obvious to include that feature with Geer's for the purpose of ensuring of endorsement information is an up-to-date endorsement information.

Regarding to claim 103, Geer discloses sending endorsement information to the remote site to be used to add and endorsement (column 11, lines 40-45).

Regarding to claim 104, Geer discloses a system for deposit processing at a central site a plurality of original checks with accompanying deposit information,

comprising: an electronic storage; and a set of processors that use the electronic storage (figure 1, computer system 13 at the bank of first deposit) to perform the steps as described in claim 87 above.

Claim 105 contains the same limitations found in claim 87 above, therefore, is rejected by the same rationale.

7. Claims 96-98 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer, U.S. Patent No. 5,930,778, and further in view of Campell et al (hereinafter Campell), U.S. Patent No. 5,373,550.

Regarding to claims 96-98, Geer discloses determining if a bank of first deposit is a maker bank for the original check (column 9, lines 60-65). Geer does not disclose determining if the maker bank requires a hard copy of the original check; and if it does, sending the original check image data to a print site for printing and sending directly or indirectly to the maker bank; if it does not, sending the original check image data directly or indirectly to the maker bank. However, Geer does teach the image of the physical check is preserve and may be reproduced as a copy of the check for purpose of verification (column 8, lines 10-15). Moreover, Campell teaches if the maker bank requires a hard copy of the check sending the original check image data to a print site for printing and sending directly or indirectly to the maker bank (column 3, lines 45-52; sending via facsimile equipment); if it does not, sending the original check image data directly or indirectly to the maker bank (column 2, lines 43-46). Therefore, it would have been obvious to include these features with Geer's for the purpose of time consuming, because it eliminates the use of paper checks.

Regarding to claim 101, Geer discloses a system with a plurality of different remote sites, with program code for the following steps being performed at each of a plurality of the remote sites:

obtaining electronic deposit data for one or more original checks (column 7, lines 38-60);

converting data for each of the one or more original checks into electronic check data (column 7, lines 38-60);

creating original check mage data for each of the one or more original checks (column 8, lines 10-25);

electronically associating the electronic deposit data, the electronic check data and the original check mage data (column 9, lines 1-10); and

transmitting the electronic check data and the original check mage data to the central site (column 9, lines 1-10 and column 10, lines 1-7).

Geer does not disclose creating endorsed and/or voided check image data for each of a plurality of the one or more original checks, electronically associating the endorsed and voided check image data with the original check image data; and transmitting the endorsed and/or voided check image data to the central site. However, Campell discloses creating endorsed and/or voided check image data for each of a plurality of the one or more original checks, electronically associating the endorsed and voided check image data with the original check image data; and transmitting the endorsed and/or voided check image data to the central site (column 2, lines 39-43; the bank of first deposit receives the image of a check; column 3, lines 5-10; the image of the check include the front and the back of the check). Therefore, it would have been obvious to one with ordinary skill in the art at the time the invention was made to modify Geer's to incorporate the features taught by Campell's above for the purpose of cost saving and time consuming, because it eliminates the use of paper checks.

Conclusion

8. Claims 87-105 are rejected.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703) 306-2901. The examiner can normally be reached on Monday-Thursday from 8:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough, can be reached on (703) 308-0505.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113.

10. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks
c/o Technology Center 3600
Washington, D.C. 20231

or faxed to:

(703) 872-9326, (for formal communications intended for entry)

or:

(703) 308-3961 (for informal or draft communications, please
label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, Seventh Floor (Receptionist).

Application/Control Number: 09/676,956

Page 9

Art Unit: 3628

Nga B. Nguyen

A handwritten signature in black ink, appearing to read "Nga Nguyen". The signature is fluid and cursive, with "Nga" on top and "Nguyen" below it.

January 6, 2005